

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

SHAWN DRUMGOLD,

Plaintiff

v.

TIMOTHY CALLAHAN,  
FRANCIS M. ROACHE,  
PAUL MURPHY, RICHARD WALSH,  
and THE CITY OF BOSTON,

Defendant

C.A. NO.: 04-11193NG

**DEFENDANTS' MOTION IN LIMINE TO EXCLUDE THE MOTION  
OF THE DISTRICT ATTORNEY FOR A NEW TRIAL and  
THE SUPERIOR COURT'S ORDER GRANTING A NEW TRIAL**

Defendants Walsh, Callahan, Francis M. Roache and the City of Boston (collectively “the Defendants”) hereby move *in limine* to exclude from the trial of this action any reference to the District Attorney’s Post-Hearing Motion to Vacate Conviction and Grant New Trial, and the opinion of the Superior Court in granting the District Attorneys’ Motion.

As grounds therefore, the Defendants state that the opinions are hearsay, to which no exception applies. More importantly, the opinions speak to the ultimate issues in this case: specifically, the credibility of witnesses and the fairness of the criminal trial held in 1989. Those issues are exclusively the province of the jury in this case to determine.

Further support for this Motion is provided in the accompanying Memorandum of Law.

**Defendant,**  
**RICHARD WALSH,**  
By his attorney,

/s/ Hugh R. Curran  
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**Defendant,**  
**TIMOTHY CALLAHAN,**  
By his attorney,

/s/ Mary Jo Harris  
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**Defendants,**  
**CITY OF BOSTON AND**  
**FRANCIS M. ROACHE,**  
By their attorney,

/s/ John P. Roache  
John P. Roache, Esq. (BBO #421680)  
Patrick J. Donnelly, Esq. (BBO #651113)  
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**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that on the 28th day of January, 2008, I electronically filed with within document with the Clerk of the United States District Court for the District of Massachusetts, using the CM/ECF System. The following participants have received notice electronically:

**For Plaintiff Shawn Drumgold,**

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**For Plaintiff Shawn Drumgold,**

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**For Defendant, City of Boston,**

Susan Weise, Esq.  
Chief of Litigation  
Assistant Corporate Counsel  
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**For Defendants City of Boston**

**and Francis M. Roache,**  
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**For Defendant Richard Walsh,**

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/s/ Mary Jo Harris